

House File 2502 - Reprinted

HOUSE FILE 2502

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 690)

(As Amended and Passed by the House May 5, 2018)

A BILL FOR

1 An Act relating to state and local finances by making
2 appropriations, providing for legal and regulatory
3 responsibilities, providing for other properly related
4 matters, and providing for effective date, contingent
5 effective date, applicability, and retroactive applicability
6 provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

STANDING APPROPRIATIONS AND RELATED MATTERS

Section 1. 2017 Iowa Acts, chapter 170, is amended by adding the following new section:

NEW SECTION. SEC. 5A. GENERAL ASSEMBLY — FY 2018-2019.

1. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2018, and ending June 30, 2019, are reduced by the following amount:

..... \$ 1,417,318

2. The budgeted amounts for the general assembly and legislative agencies for the fiscal year beginning July 1, 2018, may be adjusted to reflect the unexpended budgeted amounts from the previous fiscal year.

3. Annual membership dues for organizations, associations, and conferences shall not be paid from moneys appropriated pursuant to section 2.12, except reimbursement for travel expenses may be paid to commissioners serving on the commission of uniform state laws.

4. Costs for out-of-state travel and per diems for out-of-state travel shall not be paid from moneys appropriated pursuant to section 2.12.

Sec. 2. 2017 Iowa Acts, chapter 170, is amended by adding the following new section:

NEW SECTION. SEC. 6A. INSTRUCTIONAL SUPPORT STATE AID — FY 2018-2019. In lieu of the appropriation provided in section 257.20, subsection 2, the appropriation for the fiscal year beginning July 1, 2018, and ending June 30, 2019, for paying instructional support state aid under section 257.20 for such fiscal years is zero.

Sec. 3. 2017 Iowa Acts, chapter 170, section 15, is amended to read as follows:

SEC. 15. CASH RESERVE FUND APPROPRIATION — FY 2018-2019. There is appropriated from the general fund of the state to the cash reserve fund for the fiscal year beginning July 1, 2018,

1 and ending June 30, 2019, the following amount:

2	\$ 111,100,000
3	<u>113,100,000</u>

4 Sec. 4. Section 257.35, Code 2018, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 12A. Notwithstanding subsection 1, and in
7 addition to the reduction applicable pursuant to subsection
8 2, the state aid for area education agencies and the portion
9 of the combined district cost calculated for these agencies
10 for the fiscal year beginning July 1, 2018, and ending June
11 30, 2019, shall be reduced by the department of management by
12 fifteen million dollars. The reduction for each area education
13 agency shall be prorated based on the reduction that the agency
14 received in the fiscal year beginning July 1, 2003.

15 Sec. 5. TAXPAYERS TRUST FUND. On July 1, 2018, any
16 unencumbered and unobligated moneys in the taxpayers trust fund
17 created in section 8.57E are transferred to the general fund
18 of the state.

19 Sec. 6. SALARY MODEL ADMINISTRATOR. The salary model
20 administrator shall work in conjunction with the legislative
21 services agency to maintain the state's salary model used for
22 analyzing, comparing, and projecting state employee salary
23 and benefit information, including information relating to
24 employees of the state board of regents. The department of
25 revenue, the department of administrative services, the five
26 institutions under the jurisdiction of the state board of
27 regents, the judicial district departments of correctional
28 services, and the state department of transportation shall
29 provide salary data to the department of management and the
30 legislative services agency to operate the state's salary
31 model. The format and frequency of provision of the salary
32 data shall be determined by the department of management and
33 the legislative services agency. The information shall be
34 used in collective bargaining processes under chapter 20 and
35 in calculating the funding needs contained within the annual

1 salary adjustment legislation. A state employee organization
2 as defined in section 20.3, subsection 4, may request
3 information produced by the model, but the information provided
4 shall not contain information attributable to individual
5 employees.

6 DIVISION II

7 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

8 Sec. 7. Section 331.424A, subsection 9, Code 2018, as
9 amended by 2018 Iowa Acts, House File 2456, section 14, is
10 amended to read as follows:

11 a. For the fiscal year beginning July 1, 2017, and each
12 subsequent fiscal year, the county budgeted amount determined
13 for each county shall be the amount necessary to meet the
14 county's financial obligations for the payment of services
15 provided under the regional service system management plan
16 approved pursuant to [section 331.393](#), not to exceed an amount
17 equal to the product of the regional per capita expenditure
18 target amount multiplied by the county's population, and, for
19 fiscal years beginning on or after July 1, 2021, reduced by
20 the amount of the county's cash flow reduction amount for the
21 fiscal year calculated under subsection 4, if applicable.

22 b. If a county officially joins a different region, the
23 county's budgeted amount shall be the amount necessary to meet
24 the county's financial obligations for payment of services
25 provided under the new region's regional service system
26 management plan approved pursuant to section 331.393, not to
27 exceed an amount equal to the product of the new region's
28 regional per capita expenditure target amount multiplied by
29 the county's population, and, for fiscal years beginning on
30 or after July 1, 2021, reduced by the amount of the county's
31 cash flow reduction amount for the fiscal year calculated under
32 subsection 4, if applicable.

33 Sec. 8. 2017 Iowa Acts, chapter 170, section 13, is amended
34 to read as follows:

35 SEC. 13. TRANSFER FROM CASH RESERVE FUND. Notwithstanding

1 section 8.56, subsection 3 and subsection 4, paragraph "a" and
2 section 8.57, subsection 1, paragraph "a", there is transferred
3 from the cash reserve fund created in section 8.56 to the
4 general fund of the state for the fiscal year beginning July 1,
5 2016, and ending June 30, 2017, the following amount:

6 \$131,100,000

7 Sec. 9. 2018 Iowa Acts, House File 2441, section 17,
8 subsection 1, is amended by striking the subsection.

9 Sec. 10. 2018 Iowa Acts, Senate File 2117, section 11,
10 subsection 1, is amended to read as follows:

11 1. There is appropriated from the Iowa economic emergency
12 fund created in section 8.55 to the general fund of the state
13 for the fiscal year beginning July 1, ~~2017~~ 2016, and ending
14 June 30, ~~2018~~ 2017, the following amount:

15 \$ 13,000,000

16 Sec. 11. 2018 Iowa Acts, Senate File 2117, section 12, is
17 amended to read as follows:

18 SEC. 12. RETROACTIVE APPLICABILITY. The following
19 provision or provisions of this division of this Act apply
20 retroactively to ~~September 28, 2017~~ June 30, 2017:

21 The section of this division of this Act appropriating
22 moneys from the Iowa economic emergency fund to the general
23 fund in lieu of a prior standing appropriation.

24 Sec. 12. RETROACTIVE APPLICABILITY. The following applies
25 retroactively to May 12, 2017:

26 The section of this division of this Act amending 2017 Iowa
27 Acts, chapter 170, section 13.

28 Sec. 13. RETROACTIVE APPLICABILITY. The following applies
29 retroactively to the effective date of section 256.9A, as
30 enacted by 2018 Iowa Acts, House File 2441, section 1:

31 The section of this division of this Act amending 2018 Iowa
32 Acts, House File 2441, section 17, subsection 1.

33 Sec. 14. EFFECTIVE DATE. This division of this Act, being
34 deemed of immediate importance, takes effect upon enactment.

35 DIVISION III

CORRECTIVE PROVISIONS

1
2 Sec. 15. Section 9A.102, subsection 1, Code 2017, as amended
3 by 2018 Iowa Acts, Senate File 385, section 2, is amended to
4 read as follows:

5 1. "*Agency contract*" means an agreement in which a student
6 athlete authorizes a person to negotiate or solicit on behalf
7 of the athlete a professional sports services contract or an
8 endorsement contract.

9 Sec. 16. Section 68B.2C, as enacted by 2018 Iowa Acts,
10 Senate File 2323, section 7, is amended to read as follows:

11 **68B.2C Prohibited outside employment and activities — agents**
12 **of foreign principals.**

13 Officials and state employees shall not engage in any
14 outside employment or activity that requires the person to
15 register under the federal Foreign Agents Registration Act of
16 1938, as amended, 22 U.S.C. §611 et seq., ~~as amended.~~

17 Sec. 17. Section 84A.4, subsection 4, paragraph f, Code
18 2018, if enacted by 2018 Iowa Acts, Senate File 2353, section
19 6, is amended to read as follows:

20 *f. Proven and promising practices.* The local workforce
21 development board shall lead efforts in the local workforce
22 development area to ~~do all of the following:~~

23 ~~(1) Identify~~ identify and promote proven and promising
24 strategies and initiatives for meeting the needs of employers,
25 workers, and jobseekers, including individuals with a barrier
26 to employment, in the local workforce development system,
27 including providing physical and programmatic accessibility,
28 in accordance with 29 U.S.C. §3248, if applicable, applicable
29 provisions of chapter 216, and applicable provisions of the
30 Americans with Disabilities Act of 1990, codified at 42 U.S.C.
31 §12101 et seq., to the one-stop delivery system.

32 Sec. 18. Section 123.92, subsection 3, paragraph a, Code
33 2018, as amended by 2018 Iowa Acts, Senate File 2310, section
34 47, is amended to read as follows:

35 a. Notwithstanding section 123.49, subsection 1, any

1 person who is injured in person or property or means of
 2 support by an intoxicated person who is under legal age or
 3 resulting from the intoxication of a person who is under
 4 legal age, has a right of action for all damages actually
 5 sustained, severally or jointly, against a person who is
 6 not a licensee or permittee and who dispensed or gave any
 7 alcoholic beverage to the intoxicated underage person when the
 8 nonlicensee or nonpermittee who dispensed or gave the alcoholic
 9 beverage to the underage person knew or should have known the
 10 underage person was intoxicated, or who dispensed or gave any
 11 alcoholic beverage to the underage person to a point where the
 12 nonlicensee or nonpermittee knew or should have known that the
 13 underage person would become intoxicated.

14 Sec. 19. Section 135.16A, subsection 1, paragraph a, as
 15 enacted by 2018 Iowa Acts, House File 2408, section 1, is
 16 amended to read as follows:

17 a. "*Conventional eggs*" means eggs ~~others~~ other than
 18 specialty eggs.

19 Sec. 20. Section 147C.1, subsection 7, paragraph e,
 20 subparagraph (2), subparagraph division (h), as enacted by 2018
 21 Iowa Acts, House File 2425, section 1, is amended to read as
 22 follows:

23 (h) Disclosure of investigative records compiled for law
 24 enforcement purposes ~~of any of the following.~~

25 Sec. 21. Section 148H.1, subsection 4, as enacted by 2018
 26 Iowa Acts, Senate File 2228, section 5, is amended to read as
 27 follows:

28 4. "*Genetic counseling intern*" means a student enrolled in
 29 a genetic counseling program accredited by the accreditation
 30 council for genetic counseling or its equivalent or successor
 31 organization, or the American board of medical genetics and
 32 genomics or its equivalent or successor organization.

33 Sec. 22. Section 256.7, subsection 21, paragraph b,
 34 subparagraph (2), subparagraph division (d), as enacted by 2018
 35 Iowa Acts, House File 2235, section 1, is amended to read as

1 follows:

2 (d) That the assessment be peer-reviewed by an independent,
3 third-party evaluator to determine that the assessment is
4 aligned with the Iowa core academic standards, provides
5 a measurement of student growth and student proficiency,
6 and meets the summative assessment requirements of the
7 federal Every Student Succeeds Act, Pub. L. No. 114-95. The
8 assessment developed by the Iowa testing service program
9 within the university of Iowa college of education shall ~~make~~
10 ~~any necessary adjustments as determined by the peer review~~
11 be adjusted as necessary to meet the requirements of this
12 subparagraph (2) as determined by the peer review.

13 Sec. 23. Section 256.42, subsection 5, Code 2018, as amended
14 by 2018 Iowa Acts, Senate File 2131, section 1, is amended to
15 read as follows:

16 5. Under the initiative, a student must be enrolled in
17 a participating school district or accredited nonpublic
18 school or be receiving private instruction under chapter 299A
19 as described in subsection 1. For a student enrolled in a
20 participating school district or accredited nonpublic school,
21 the school district or school is responsible for recording
22 grades received for initiative coursework in a student's
23 permanent record, awarding high school credit for initiative
24 coursework, and issuing a high school diploma ~~diplomas~~ diploma to a
25 student enrolled in the district or school who participates and
26 completes coursework under the initiative. Each participating
27 school shall identify a site coordinator to serve as a student
28 advocate and as a liaison between the initiative staff and
29 teachers and the school district or accredited nonpublic
30 school. The individual providing instruction to a student
31 under [chapter 299A](#) as described in subsection 1 shall receive
32 the student's score for completed initiative coursework.

33 Sec. 24. Section 261.131, subsection 1, paragraph d, Code
34 2018, as enacted by 2018 Iowa Acts, House File 2458, section
35 12, is amended to read as follows:

1 *d. "Eligible program"* means a program of study or an
 2 academic major jointly approved by the commission and the
 3 department of workforce development, in consultation with an
 4 eligible institution, that leads to a credential aligned with a
 5 high-demand job designated by the workforce development board
 6 or a community college pursuant to section 84A.1B, subsection
 7 13A. If the board or a community college removes a high-demand
 8 job from a list created under section 84A.1B, subsection 13A,
 9 an eligible student who received a scholarship for a program
 10 based on that high-demand job shall continue to receive the
 11 scholarship until achieving a postsecondary credential, up to
 12 an associate degree, as long as the student continues to meet
 13 all other eligibility requirements.

14 Sec. 25. Section 280.13C, subsection 4, paragraph a, Code
 15 2018, as amended by 2018 Iowa Acts, House File 2442, section 1,
 16 is amended to read as follows:

17 *a.* The department of public health, Iowa high school
 18 athletic association, and the Iowa girls high school athletic
 19 union shall work together to distribute the guidelines of the
 20 centers for disease control and prevention guidelines of the
 21 United States department of health and human services and other
 22 pertinent information to inform and educate coaches, students,
 23 and the parents and guardians of students of the risks, signs,
 24 symptoms, and behaviors consistent with a concussion or brain
 25 injury, including the danger of continuing to participate in
 26 extracurricular interscholastic activities after suffering a
 27 concussion or brain injury and their responsibility to report
 28 such signs, symptoms, and behaviors if they occur.

29 Sec. 26. Section 280.13C, subsection 8, paragraph a, Code
 30 2018, as amended by 2018 Iowa Acts, House File 2442, section 1,
 31 is amended to read as follows:

32 *a.* A school district or accredited nonpublic school that
 33 adopts and follows the protocol required by this section and
 34 provides an emergency medical care provider or a licensed
 35 health care provider at a contest that is a contact or limited

1 contact activity as identified by the American academy of
 2 pediatrics shall not be liable for any claim for injuries or
 3 damages based upon the actions or inactions of the emergency
 4 medical care provider or the licensed health care provider
 5 present at the contest at the request of the school district
 6 or accredited nonpublic school so long as the emergency
 7 medical care provider or the licensed health care provider
 8 acts reasonably and in good faith and in the best interest of
 9 the student athlete and without undue influence of the school
 10 district or accredited nonpublic school or coaching staff
 11 employed by the school district or accredited nonpublic school.
 12 A school district or accredited nonpublic school shall not be
 13 liable for any claim for injuries or damages if an emergency
 14 medical care provider or a licensed health care provider who
 15 was scheduled in accordance with a prearranged agreement with
 16 the school district or accredited nonpublic school to be
 17 present and available at a contest is not able to be present
 18 and available due to documentable, unforeseen circumstances and
 19 the school district or accredited nonpublic school otherwise
 20 followed the protocol.

21 Sec. 27. Section 298.3, subsection 1, paragraph j, Code
 22 2018, as amended by 2018 Iowa Acts, House File 2253, section 9,
 23 is amended to read as follows:

24 *j.* The purchase of buildings or lease-purchase option
 25 agreements for school buildings. However, a contract
 26 for construction by a private party of property to be
 27 lease-purchased by a public school corporation is a contract
 28 for a public improvement as defined in section 26.2. If the
 29 estimated cost of the property to be lease-purchased that is
 30 renovated, repaired, or involves new construction ~~in excess~~
 31 ~~of~~ exceeds the competitive bid threshold in section 26.3, the
 32 board of directors shall comply with the competitive bidding
 33 requirements of section 26.3.

34 Sec. 28. Section 321G.13, subsection 2, paragraph b,
 35 subparagraph (2), Code 2018, as amended by 2018 Iowa Acts,

1 Senate File 2231, section 1, is amended to read as follows:

2 (2) A person may operate or ride ~~on~~ a snowmobile with a
3 loaded pistol or revolver, whether concealed or not, if a the
4 person is operating or riding the snowmobile on land that is
5 not owned, possessed, or rented by the person, and the person's
6 conduct is otherwise lawful.

7 Sec. 29. Section 321I.14, subsection 2, paragraph b,
8 subparagraph (2), Code 2018, as amended by 2018 Iowa Acts,
9 Senate File 2231, section 3, is amended to read as follows:

10 (2) A person may operate or ride ~~on all~~ an all-terrain
11 vehicle with a loaded pistol or revolver, whether concealed or
12 not, if a the person is operating or riding the all-terrain
13 vehicle on land that is not owned, possessed, or rented by the
14 person, and the person's conduct is otherwise lawful.

15 Sec. 30. Section 321I.14, subsection 6, as enacted by 2018
16 Iowa Acts, Senate File 2231, section 4, is amended to read as
17 follows:

18 6. As used in this section, *"rented by the person"* includes
19 a person who does not necessarily rent the land but who
20 principally provides labor for the production of crops located
21 on agricultural land or for the production of livestock
22 principally located on agricultural land. The person must
23 personally provide such labor on a regular, continuous, and
24 substantial basis.

25 Sec. 31. Section 364.4, subsection 4, paragraph i, Code
26 2018, as amended by 2018 Iowa Acts, House File 2253, section
27 11, is amended to read as follows:

28 *i.* A contract for construction by a private party of
29 property to be lease-purchased by a city is a contract for a
30 public improvement under section 26.2, subsection 3. If the
31 estimated cost of the property to be lease-purchased that is
32 renovated, repaired, or involves new construction exceeds the
33 competitive bid threshold set in section 26.3, the city shall
34 comply with the competitive bidding requirements of section
35 26.3.

1 Sec. 32. Section 633.42, subsection 1, Code 2018, as amended
2 by 2018 Iowa Acts, Senate File 2098, section 3, is amended to
3 read as follows:

4 1. At any time after the issuance of letters of appointment,
5 any interested person in the proceeding may file with the
6 clerk a written request for notice of the time and place of
7 all hearings in such proceeding for which notice is required
8 by law, by rule of court, or by an order in such proceeding.
9 The request for notice shall state the name of the requester,
10 the name of the requester's attorney, if any, and the reason
11 the requester is an interested person in the proceeding. The
12 request for notice shall provide the requester's post office
13 address, and, if available, the requester's electronic mail
14 address and telephone number. The request for notice shall
15 also provide the requester's attorney's post office address,
16 electronic mail address, and telephone number. The clerk shall
17 docket the request. Thereafter, unless otherwise ordered by
18 the court, the fiduciary shall serve by ordinary or electronic
19 mail a notice of each hearing upon such requester and the
20 requester's attorney, if any.

21 Sec. 33. Section 633.418, Code 2018, as amended by 2018
22 Iowa Acts, Senate File 2098, section 6, is amended to read as
23 follows:

24 **633.418 Form and verification of claims — general**
25 **requirements.**

26 No claim shall be allowed against an estate on application
27 of the claimant unless it shall be in writing, filed with
28 the clerk, stating the claimant's name, and address, and,
29 if available, telephone number and electronic mail address,
30 describing the nature and the amount thereof, if ascertainable,
31 and accompanied by the affidavit of the claimant, or someone
32 for the claimant, that the amount is justly due, or if not yet
33 due, when it will or may become due, that no payments have been
34 made thereon which are not credited, and that there are no
35 offsets to the same, to the knowledge of the affiant, except as

1 therein stated. If the claim is contingent, the nature of the
2 contingency shall also be stated.

3 Sec. 34. Section 651.29, subsection 5, paragraphs b and c,
4 as enacted by 2018 Iowa Acts, Senate File 2175, section 29, are
5 amended to read as follows:

6 b. If none of the cotenants ~~has~~ have paid the entire price
7 for the remaining interest in the heirs property, the court
8 shall resolve the partition action under section 651.30 as if
9 the interest of the cotenant that had requested partition by
10 sale of the heirs property has not been purchased.

11 c. If more than one cotenant ~~have~~ has paid the entire price
12 for the remaining interest in the heirs property, the court
13 shall reapportion the remaining interest among such cotenants
14 based on each cotenant's original fractional ownership of the
15 entire heirs property divided by the total original fractional
16 ownership of all cotenants that paid the entire price for
17 the remaining interest. The court shall promptly issue an
18 order reallocating all cotenants' interests, disburse the
19 amounts held by the court to the persons entitled to such
20 disbursements, and promptly refund any excess payments held by
21 the court to the appropriate persons.

22 Sec. 35. Section 655.6, subsection 1, as enacted by 2018
23 Iowa Acts, House File 2232, section 5, is amended to read as
24 follows:

25 1. The mortgagee established reasonable procedures to
26 achieve compliance with its obligations under section 655.3.

27 Sec. 36. Section 716.11, subsection 1, paragraph b, as
28 enacted by 2018 Iowa Acts, Senate File 2235, section 1, is
29 amended to read as follows:

30 b. A gas, oil, petroleum, refined petroleum product,
31 renewable fuel, or chemical critical generation, storage,
32 transportation, or delivery system.

33 Sec. 37. 2018 Iowa Acts, Senate File 2117, section 1,
34 paragraphs p and s, are amended to read as follows:

35 p. ~~Department of economic~~ Economic development authority

1 \$ 157,960

2 s. College student aid commission

3 \$ 94,172

4 Sec. 38. 2018 Iowa Acts, House File 2442, section 4, is
5 amended to read as follows:

6 SEC. 4. STATE MANDATE FUNDING SPECIFIED. In accordance
7 with section 25B.2, subsection 3, the state cost of requiring
8 compliance with any state mandate included in ~~this division~~
9 of this Act shall be paid by a school district from state
10 school foundation aid received by the school district under
11 section 257.16. This specification of the payment of the state
12 cost shall be deemed to meet all of the state funding-related
13 requirements of section 25B.2, subsection 3, and no additional
14 state funding shall be necessary for the full implementation of
15 this Act by and enforcement of this Act against all affected
16 school districts.

17 Sec. 39. REPEAL. 2018 Iowa Acts, House File 2348, section
18 9, is repealed.

19 Sec. 40. REPEAL. 2018 Iowa Acts, House File 2457, sections
20 115 and 116 are repealed.

21 Sec. 41. EFFECTIVE DATE. The following, being deemed of
22 immediate importance, takes effect upon enactment:

23 The section of this division of this Act amending 2018 Iowa
24 Acts, Senate File 2117, section 1, paragraphs "p" and "s".

25 Sec. 42. RETROACTIVE APPLICABILITY. The following applies
26 retroactively to March 28, 2018:

27 The section of this division of this Act amending 2018 Iowa
28 Acts, Senate File 2117, section 1, paragraphs "p" and "s".

29 Sec. 43. APPLICABILITY. The following apply July 1, 2018,
30 to probate filings made on or after that date:

31 1. The section of this division of this Act amending section
32 633.42.

33 2. The section of this division of this Act amending section
34 633.418.

35 DIVISION IV

1 LAND ACQUISITION AND INVENTORY

2 Sec. 44. LAND ACQUISITION AND INVENTORY.

3 1. By December 1, 2018, the department of natural resources
4 shall submit a report to the general assembly including all
5 financial assistance provided to private entities for the
6 acquisition of land and an inventory of all land managed or
7 owned on behalf of the state by the department.

8 2. The portion of the report regarding financial assistance
9 to private entities for land acquisition shall include the
10 name of the private entities, a description of the assistance
11 provided, the price of the tract, the date the assistance
12 was provided, the date of full loan repayment or cessation
13 of the linked deposit account, and the total amount of
14 outstanding loans and linked deposits associated with such land
15 acquisitions. This portion of the report shall also include
16 information regarding the land purchase including the location
17 and description of the land, a description of the conservation
18 benefits of the purchase, the name of the seller, the price
19 paid, and the size of the tract. If the land was later
20 acquired by a governmental entity, the report shall include the
21 name of the governmental entity, the date of the subsequent
22 acquisition, the price paid, and the source of the funds.

23 3. The portion of the report regarding the land inventory
24 shall include a list of all properties owned by the state whose
25 purchase or donation was facilitated by the department and a
26 list of properties which are managed by the department, but
27 not owned by the state. For each owned tract of land, the
28 inventory shall include the location of the tract, the date
29 of acquisition or first management agreement, the name of the
30 seller or donor of the tract, the price paid for state-owned
31 land and the source of the funds; the owner of the tract if not
32 owned by the state, the size of the tract, the present use of
33 the tract including whether the property is open to the public,
34 and the identification of the government entity charged with
35 managing the tract. The inventory shall also identify the

1 location and size of all tracts which were conveyed to cities
2 or counties within the past twenty years after termination of
3 state ownership.

4 4. For the fiscal year beginning July 1, 2018, the
5 environmental protection commission shall not authorize a
6 contract or approve costs related to the purchase of land
7 which obligates moneys from the water pollution control works
8 revolving loan fund for financial assistance to acquire new
9 land under the general nonpoint source program set-aside.

10 DIVISION V

11 IOWA GEOLOGICAL SURVEY

12 Sec. 45. 2018 Iowa Acts, House File 2491, section 21, if
13 enacted, is amended to read as follows:

14 SEC. 53A. STATE UNIVERSITY OF IOWA ~~GEOGRAPHICAL AND WATER~~
15 GEOLOGICAL SURVEY. There is appropriated from the environment
16 first fund created in [section 8.57A](#) to the state university of
17 Iowa for the fiscal year beginning July 1, 2018, and ending
18 June 30, 2019, the following amounts, or so much thereof as is
19 necessary, to be used for the purposes designated:

20 1. OPERATIONS

21 For purposes of supporting the operations of the Iowa
22 ~~geological and water survey of the state~~ as created within the
23 state university of Iowa pursuant to section 456.1 as amended
24 by 2018 Iowa Acts, House File 2303, section 12, including
25 but not limited to providing analysis; data maintenance,
26 collection, and compilation; investigative programs; and
27 information for water supply development and protection:

28 \$ 200,000

29 2. WATER RESOURCE MANAGEMENT

30 For purposes of supporting the Iowa geological ~~and water~~
31 survey in measuring, assessing, and evaluating the quantity
32 of water sources in this state and assisting the department
33 of natural resources in regulating water quantity as provided
34 in chapter 455B, division III, part 4, pursuant to sections
35 455B.262B and 456.14, as enacted by this Act:

1 \$ 495,000

2 DIVISION VI

3 PODIATRY

4 Sec. 46. Section 147.139, subsections 3 and 4, Code 2018,
5 are amended to read as follows:

6 3. If the defendant is board-certified in a specialty, the
7 person is certified in the same or a substantially similar
8 specialty by a board recognized by the American board of
9 medical specialties, ~~or~~ the American osteopathic association,
10 or the council on podiatric medical education.

11 4. a. If the defendant is a licensed physician or
12 osteopathic physician under chapter 148, the person is a
13 physician or osteopathic physician licensed in this state or
14 another state.

15 b. If the defendant is a licensed podiatric physician under
16 chapter 149, the person is a physician, osteopathic physician,
17 or a podiatric physician licensed in this state or another
18 state.

19 DIVISION VII

20 CATTLE GUARDS

21 Sec. 47. Section 314.30, subsection 1, paragraph c, as
22 enacted by 2018 Iowa Acts, Senate File 449, section 1, is
23 amended to read as follows:

24 c. The landowner owns ~~the~~ property on both sides of the
25 street or highway and owns property on both sides of any access
26 to the street or highway.

27 Sec. 48. 2018 Iowa Acts, Senate File 449, is amended by
28 adding the following new section:

29 NEW SECTION. SEC. 4. INSTALLATION OF CATTLE GUARD —
30 SUBSEQUENT COUNTY ACTION. Any cattle guard installed pursuant
31 to this Act on or before April 25, 2018, that meets the
32 requirements of this Act at the time of installation shall not
33 be ordered uninstalled or found to be noncompliant with this
34 Act as a result of any action taken after April 25, 2018, by
35 the county with jurisdiction over the street or highway on

1 which the cattle guard is installed to alter the area service
2 classification of the street or highway or to otherwise alter
3 the street or highway in such a way that the installation of
4 the cattle guard no longer complies with this Act.

5 Sec. 49. EFFECTIVE DATE. This division of this Act, being
6 deemed of immediate importance, takes effect upon enactment.

7 Sec. 50. RETROACTIVE APPLICABILITY. This division of this
8 Act applies retroactively to April 17, 2018.

9 DIVISION VIII

10 DRAMSHOP

11 Sec. 51. Section 123.92, subsection 1, paragraph a, Code
12 2018, as amended by 2018 Iowa Acts, Senate File 2169, section
13 1, is amended to read as follows:

14 a. Any Subject to the limitation amount specified in
15 paragraph "c", if applicable, any third party who is not the
16 intoxicated person who caused the injury at issue and who
17 is injured in person or property or means of support by an
18 intoxicated person or resulting from the intoxication of a
19 person, has a right of action for damages actually sustained,
20 severally or jointly, up to the amount specified in paragraph
21 "e", against any licensee or permittee, whether or not the
22 license or permit was issued by the division or by the
23 licensing authority of any other state, who sold and served any
24 beer, wine, or intoxicating liquor directly to the intoxicated
25 person, provided that the person was visibly intoxicated at the
26 time of the sale or service.

27 Sec. 52. NEW SECTION. 505.33 **Dramshop liability insurance**
28 **evaluation.**

29 The division shall biennially conduct an evaluation
30 concerning minimum coverage requirements of dramshop liability
31 insurance. In conducting the evaluation, the division
32 shall include a comparison of other states' minimum dramshop
33 liability insurance coverage and any other relevant issues
34 the division identifies. By January 31, 2019, and every two
35 years thereafter, the division shall submit a report, including

1 any findings and recommendations, to the general assembly as
2 provided in chapter 7A.

3 Sec. 53. REPEAL. 2018 Iowa Acts, Senate File 2169, section
4 2, is repealed.

5 DIVISION IX

6 ALCOHOL

7 Sec. 54. Section 123.30, subsection 3, paragraphs a and
8 b, Code 2018, as amended by 2018 Iowa Acts, Senate File 2310,
9 section 12, are amended to read as follows:

10 a. Class "A". A class "A" liquor control license may be
11 issued to a club and shall authorize the holder to purchase
12 alcoholic liquors in original unopened containers from class
13 "E" liquor control licensees only, wine from class "A" wine
14 permittees or class "B" wine permittees who also hold class "E"
15 liquor control licenses only as provided in [section 123.173](#)
16 and [section 123.177](#), and to sell alcoholic beverages to bona
17 fide members and their guests by the individual drink for
18 consumption on the premises only.

19 b. Class "B". A class "B" liquor control license may be
20 issued to a hotel or motel and shall authorize the holder to
21 purchase alcoholic liquors in original unopened containers from
22 class "E" liquor control licensees only, wine from class "A"
23 wine permittees or class "B" wine permittees who also hold
24 class "E" liquor control licenses only as provided in section
25 123.173 and [section 123.177](#), and to sell alcoholic beverages to
26 patrons by the individual drink for consumption on the premises
27 only. However, beer may also be sold for consumption off the
28 premises. Each license shall be effective throughout the
29 premises described in the application.

30 Sec. 55. Section 123.30, subsection 3, paragraph c,
31 subparagraph (1), Code 2018, as amended by 2018 Iowa Acts,
32 Senate File 2310, section 12, is amended to read as follows:

33 (1) A class "C" liquor control license may be issued to
34 a commercial establishment but must be issued in the name of
35 the individuals who actually own the entire business and shall

1 authorize the holder to purchase alcoholic liquors in original
 2 unopened containers from class "E" liquor control licensees
 3 only, wine from class "A" wine permittees or class "B" wine
 4 permittees who also hold class "E" liquor control licenses only
 5 as provided in [section 123.173](#) and [section 123.177](#), and to sell
 6 alcoholic beverages to patrons by the individual drink for
 7 consumption on the premises only. However, beer may also be
 8 sold for consumption off the premises. The holder of a class
 9 "C" liquor control license may also hold a special class "A"
 10 beer permit for the premises licensed under a class "C" liquor
 11 control license for the purpose of operating a brewpub pursuant
 12 to [this chapter](#).

13 Sec. 56. Section 123.30, subsection 3, paragraph c,
 14 subparagraph (3), Code 2018, is amended to read as follows:

15 (3) A class "C" native distilled spirits liquor control
 16 license may be issued to a native distillery but shall be
 17 issued in the name of the individuals who actually own the
 18 business and shall only be issued to a native distillery
 19 which, combining all production facilities of the business,
 20 produces and manufactures not more than one hundred thousand
 21 proof gallons of distilled spirits on an annual basis. The
 22 license shall authorize the holder to sell native distilled
 23 spirits manufactured on the premises of the native distillery
 24 to patrons by the individual drink for consumption on the
 25 premises. All native distilled spirits sold by a native
 26 distillery for on-premises consumption shall be purchased
 27 from a class "E" liquor control licensee in original unopened
 28 containers.

29 Sec. 57. Section 123.30, subsection 3, paragraph d,
 30 subparagraph (2), Code 2018, as amended by 2018 Iowa Acts,
 31 Senate File 2310, section 12, is amended to read as follows:

32 (2) A class "D" liquor control licensee who operates a
 33 train or a watercraft intrastate only, or an excursion gambling
 34 boat licensed under [chapter 99F](#), shall purchase alcoholic
 35 liquor in original unopened containers from a class "E" liquor

1 control licensee only, wine from a class "A" wine permittee or
2 a class "B" wine permittee who also holds a class "E" liquor
3 control license only as provided in [section 123.173](#) and section
4 123.177, and beer from a class "A" beer permittee only.

5 Sec. 58. Section 123.30, subsection 3, paragraph e, Code
6 2018, as amended by 2018 Iowa Acts, Senate File 2310, section
7 12, is amended to read as follows:

8 *e. Class "E".*

9 (1) A class "E" liquor control license may be issued and
10 shall authorize the holder to purchase alcoholic liquor in
11 original unopened containers from the division only and high
12 alcoholic content beer from a class "A" beer permittee only and
13 to sell the alcoholic liquor in original unopened containers
14 and high alcoholic content beer at retail to patrons for
15 consumption off the licensed premises and at wholesale to other
16 liquor control licensees, provided the holder has filed with
17 the division a basic permit issued by the alcohol and tobacco
18 tax and trade bureau of the United States department of the
19 treasury. A holder of a class "E" liquor control license
20 may hold other retail liquor control licenses or retail wine
21 or beer permits, but the premises licensed under a class "E"
22 liquor control license shall be separate from other licensed
23 premises, though the separate premises may have a common
24 entrance. However, the holder of a class "E" liquor control
25 license may also hold a class "B" wine or class "C" beer permit
26 or both for the premises licensed under a class "E" liquor
27 control license.

28 (2) The division may issue a class "E" liquor control
29 license for premises covered by a liquor control license or
30 wine or beer permit for on-premises consumption, if under any
31 of the following circumstances:

32 (a) If the premises are in a county having a population
33 under nine thousand five hundred in which no other class "E"
34 liquor control license has been issued by the division, and no
35 other application for a class "E" liquor control license has

1 been made within the previous twelve consecutive months.

2 (b) If, notwithstanding any provision of this chapter to the
3 contrary, the premises covered by a liquor control license is a
4 grocery store that is at least five thousand square feet.

5 Sec. 59. Section 123.30, subsection 4, Code 2018, is amended
6 to read as follows:

7 4. Notwithstanding any provision of this chapter to the
8 contrary, a person holding a liquor control license to sell
9 alcoholic beverages for consumption on the licensed premises
10 may permit a customer to remove one unsealed bottle of wine
11 for consumption off the premises if the customer has purchased
12 and consumed a portion of the bottle of wine on the licensed
13 premises. The licensee or the licensee's agent shall securely
14 reseal such bottle in a bag designed so that it is visibly
15 apparent that the resealed bottle of wine has not been tampered
16 with and provide a dated receipt for the resealed bottle of
17 wine to the customer. A wine bottle resealed pursuant to the
18 requirements of this subsection is subject to the requirements
19 of sections 321.284 and 321.284A. A person holding a liquor
20 control license to sell alcoholic beverages for consumption on
21 the licensed premises may permit a customer to carry an open
22 container of wine from their licensed premises into another
23 immediately adjacent licensed premises, temporary closed public
24 right-of-way, or private property.

25 Sec. 60. Section 123.30, Code 2018, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 5. Notwithstanding any provision of this
28 chapter to the contrary, a person holding a liquor control
29 license to sell alcoholic beverages for consumption on the
30 licensed premises may permit a customer to carry an open
31 container of alcoholic liquor from their licensed premises
32 to another immediately adjacent licensed premises, temporary
33 closed public right-of-way, or private property.

34 Sec. 61. Section 123.131, subsection 2, unnumbered
35 paragraph 1, Code 2018, is amended to read as follows:

1 Subject to the rules of the division, sales of beer for
 2 consumption off the premises made pursuant to this section
 3 may be made in a container other than the original container
 4 only if the container is carried into an immediately adjacent
 5 licensed or permitted premises, temporary closed public
 6 right-of-way, or private property, or if all of the following
 7 requirements are met:

8 DIVISION X

9 SEXUALLY VIOLENT PREDATORS

10 Sec. 62. Section 229A.8, subsection 5, paragraph e,
 11 subparagraph (2), Code 2018, is amended to read as follows:

12 (2) (a) If the committed person shows by a preponderance
 13 of the evidence that a final hearing should be held on either
 14 determination under subparagraph (1), subparagraph division (a)
 15 or (b), or both, the court shall set a final hearing within
 16 sixty days of the determination that a final hearing be held.

17 (b) The committed person may waive the sixty-day final
 18 hearing requirement under subparagraph subdivision (a);
 19 however, the committed person or the attorney for the committed
 20 person may reassert a demand that the final hearing be held
 21 within sixty days from the date of filing the demand with the
 22 clerk of court.

23 (c) The final hearing may be continued upon request of
 24 either party and a showing of good cause, or by the court
 25 on its own motion in the due administration of justice, and
 26 if the committed person is not substantially prejudiced. In
 27 determining what constitutes good cause, the court shall
 28 consider the length of the pretrial detention of the committed
 29 person.

30 Sec. 63. Section 229A.15, Code 2018, is amended to read as
 31 follows:

32 **229A.15 Court records — sealed and opened by court order.**

33 1. Any Except as otherwise provided in this section, any
 34 psychological reports, drug and alcohol reports, treatment
 35 records, reports of any diagnostic center, medical records, or

1 victim impact statements which have been submitted to the court
 2 or admitted into evidence under [this chapter](#) shall be part of
 3 the record but shall be sealed and opened only on order of the
 4 court.

5 2. The documents described in subsection 1 shall be
 6 available to the prosecuting attorney or attorney general, the
 7 committed person, and the attorney for the committed person
 8 without an order of the court.

9 DIVISION XI

10 EARNED TIME

11 Sec. 64. Section 903A.2, subsection 1, paragraph a,
 12 subparagraph (2), Code 2018, is amended to read as follows:

13 (2) However, an inmate required to participate in a sex
 14 offender treatment program shall not be eligible for a any
 15 reduction of sentence ~~unless~~ until the inmate participates in
 16 and completes a sex offender treatment program established by
 17 the director.

18 Sec. 65. Section 903A.2, subsection 1, paragraph b,
 19 subparagraph (2), Code 2018, is amended to read as follows:

20 (2) An inmate required to participate in a domestic abuse
 21 treatment program shall not be eligible for a any reduction of
 22 sentence ~~unless~~ until the inmate participates in and completes
 23 a domestic abuse treatment program established by the director.

24 Sec. 66. Section 903A.3, subsection 1, Code 2018, is amended
 25 to read as follows:

26 1. Upon finding that an inmate has violated an institutional
 27 rule, has failed to complete a sex offender or domestic abuse
 28 treatment program as specified in section 903A.2, or has
 29 had an action or appeal dismissed under [section 610A.2](#), the
 30 independent administrative law judge may order forfeiture of
 31 any or all earned time accrued and not forfeited up to the
 32 date of the violation by the inmate and may order forfeiture
 33 of any or all earned time accrued and not forfeited up to
 34 the date the action or appeal is dismissed, unless the court
 35 entered such an order under [section 610A.3](#). The independent

1 administrative law judge has discretion within the guidelines
2 established pursuant to [section 903A.4](#), to determine the amount
3 of time that should be forfeited based upon the severity of the
4 violation. Prior violations by the inmate may be considered by
5 the administrative law judge in the decision.

6 DIVISION XII

7 MULTIPLE EMPLOYER WELFARE ARRANGEMENTS

8 Sec. 67. Section 507A.4, subsection 9, paragraph c,
9 unnumbered paragraph 1, Code 2018, is amended to read as
10 follows:

11 A multiple employer welfare arrangement that is recognized
12 as tax-exempt under Internal Revenue Code section 501(c)(9)
13 that meets all of the conditions of paragraph "a" shall not be
14 considered any of the following:

15 Sec. 68. Section 513D.1, as enacted by 2018 Iowa Acts,
16 Senate File 2349, section 5, is amended to read as follows:

17 **513D.1 Association health plans.**

18 The commissioner shall adopt rules that allow for the
19 creation of association health plans that are consistent with
20 the United States department of labor's regulations in 29
21 C.F.R. pt. 2510. A multiple employer welfare arrangement that
22 is recognized as tax-exempt under Internal Revenue Code section
23 501(c)(9) and that is registered with the commissioner prior
24 to January 1, 2018, shall not be considered an association
25 health plan unless the multiple employer welfare arrangement
26 affirmatively elects to be treated as an association health
27 plan.

28 Sec. 69. REPEAL. 2018 Iowa Acts, Senate File 2349, section
29 7, is repealed.

30 DIVISION XIII

31 SELF-PROMOTION — PUBLIC FUNDS

32 Sec. 70. NEW SECTION. **68A.405A Self-promotion with taxpayer**
33 **funds prohibited.**

34 1. a. Except as provided in sections 29C.3 and 29C.6, a
35 statewide elected official or member of the general assembly

1 shall not permit the expenditure of public moneys under the
2 control of the statewide elected official or member of the
3 general assembly, including but not limited to moneys held in a
4 private trust fund as defined by section 8.2, for the purpose
5 of any paid advertisement or promotion bearing the written
6 name, likeness, or voice of the statewide elected official or
7 member of the general assembly distributed through any of the
8 following means:

- 9 (1) A paid direct mass mailing.
- 10 (2) A paid radio advertisement or promotion.
- 11 (3) A paid newspaper advertisement or promotion.
- 12 (4) A paid television advertisement or promotion.
- 13 (5) A paid internet advertisement or promotion.
- 14 (6) A paid exhibit display at the Iowa state fair or a
15 fairground or grounds as defined in section 174.1.

16 *b.* Except as otherwise provided by law, paragraph "a"
17 shall not apply to bona fide ministerial or ceremonial records
18 or ordinary, common, and frequent constituent correspondence
19 containing the name of the statewide elected official or member
20 of the general assembly.

21 2. A person who willfully violates this section shall be
22 subject to a civil penalty of an amount up to the amount of
23 moneys withdrawn from a public account or private trust fund
24 as defined in section 8.2 used to fund the communication found
25 to be in violation of this section by the board or, for members
26 of the general assembly, by an appropriate legislative ethics
27 committee. A penalty imposed pursuant to this section shall
28 be paid by the candidate's committee. Such penalty shall be
29 determined and assessed by the board or, for a member of the
30 general assembly, the appropriate legislative ethics committee,
31 and paid into the account from which such moneys were
32 withdrawn. Additional criminal or civil penalties available
33 under section 68A.701 or established by the board pursuant to
34 section 68B.32A may also be determined and assessed by the
35 board for violations of this section. Nothing in this section

1 shall prevent the imposition of any penalty or sanction for a
2 violation of this section by a legislative ethics committee.

3 DIVISION XIV

4 LEASE-PURCHASE CONTRACTS

5 Sec. 71. 2018 Iowa Acts, House File 2253, section 13, is
6 amended to read as follows:

7 SEC. 13. APPLICABILITY. This Act applies to lease-purchase
8 contracts entered into on or after the effective date of this
9 Act. This Act does not apply to any lease-purchase contract
10 that results from a request for proposals or request for
11 qualifications issued by a city with a population of less
12 than 21,000 according to the 2016 special census prior to the
13 effective date of this Act.

14 Sec. 72. RETROACTIVE APPLICABILITY. The following applies
15 retroactively to April 4, 2018:

16 The section of this division of this Act amending 2018 Iowa
17 Acts, House File 2253, section 13.

18 DIVISION XV

19 CONSTRUCTION VEHICLES

20 Sec. 73. Section 321.463, subsection 9, Code 2018, is
21 amended to read as follows:

22 9. A vehicle or combination of vehicles transporting
23 materials or equipment on nonprimary highways to or from a
24 construction project or commercial plant site may operate
25 under the maximum gross weight table for primary highways in
26 subsection 6, paragraph "a", ~~if the route is approved by the~~
27 ~~appropriate local authority. Route approval is not required if~~
28 ~~the vehicle or combination of vehicles transporting materials~~
29 ~~or equipment to or from a construction project or commercial~~
30 ~~plant site complies with~~ or the maximum gross weight table for
31 noninterstate highways in subsection 6, paragraph "c". When
32 crossing a bridge, such a vehicle or combination of vehicles
33 shall comply with any weight restriction imposed for the
34 bridge pursuant to section 321.471 or 321.474, provided signs
35 that conform to the manual of uniform traffic-control devices

1 adopted by the department that give notice of the restriction
2 are posted as required under section 321.472 or 321.474, as
3 applicable.

4 DIVISION XVI

5 LOCAL ORDINANCES

6 Sec. 74. Section 331.301, subsection 6, paragraph c,
7 subparagraph (1), unnumbered paragraph 1, Code 2018, is amended
8 to read as follows:

9 A county shall not adopt an ordinance, motion, resolution,
10 or amendment that sets standards or requirements regarding the
11 sale or marketing of consumer merchandise that are different
12 from, or in addition to, any ~~requirement established by state~~
13 law. For purposes of this paragraph:

14 Sec. 75. Section 364.3, subsection 3, paragraph c,
15 subparagraph (1), unnumbered paragraph 1, Code 2018, is amended
16 to read as follows:

17 A city shall not adopt an ordinance, motion, resolution, or
18 amendment that sets standards or requirements regarding the
19 sale or marketing of consumer merchandise that are different
20 from, or in addition to, any ~~requirement established by state~~
21 law. For purposes of this paragraph:

22 DIVISION XVII

23 HEALTH CARE COVERAGE — SURVIVING SPOUSE AND CHILDREN

24 Sec. 76. NEW SECTION. 509A.13C Health care coverage for
25 surviving spouse and children of fire fighters and peace officers
26 killed in the line of duty.

27 1. For the purposes of this section, "*eligible peace officer*
28 *or fire fighter*" means a peace officer as defined in section
29 801.4, or a fire fighter, to which a line of duty death benefit
30 is payable pursuant to section 97A.6, subsection 16, section
31 97B.52, subsection 2, or section 411.6, subsection 15.

32 2. a. If a governing body, a county board of supervisors,
33 or a city council has procured accident or health care coverage
34 for its employees under this chapter, such coverage shall
35 permit continuation of existing coverage or reenrollment in

1 previously existing coverage for the surviving spouse and each
2 surviving child of an eligible peace officer or fire fighter.

3 *b.* A governing body, a county board of supervisors, or
4 a city council shall also permit continuation of existing
5 coverage for the surviving spouse and each surviving child
6 of a peace officer as defined in section 801.4, or a fire
7 fighter who dies and to which a line of duty death benefit is
8 reasonably expected to be payable pursuant to section 97A.6,
9 subsection 16, section 97B.52, subsection 2, or section 411.6,
10 subsection 15, until such time as the determination of whether
11 to provide a line of duty death benefit is made.

12 3. A governing body, a county board of supervisors, or
13 a city council providing accident or health care coverage
14 under this section shall not be required to pay for the cost
15 of the coverage. However, a governing body, a county board
16 of supervisors, or a city council may pay the full cost or a
17 portion of the cost of the coverage. If the full cost of the
18 coverage is not paid, a surviving spouse and each surviving
19 child eligible for coverage under this section may elect to
20 continue accident or health care coverage by paying that
21 portion of the cost of the coverage not paid by the governing
22 body, county board of supervisors, or city council.

23 4. A governing body, a county board of supervisors, or a
24 city council shall notify the provider of accident or health
25 care coverage for its employees of a surviving spouse and
26 each surviving child to be provided coverage pursuant to the
27 requirements of this section.

28 5. This section shall not require continuation of coverage
29 if the surviving spouse or surviving child who would otherwise
30 be entitled to continuation of coverage under this section was,
31 through the surviving spouse's or surviving child's actions, a
32 substantial contributing factor to the death of the eligible
33 peace officer or fire fighter.

34 Sec. 77. APPLICABILITY — HEALTH CARE COVERAGE FOR PRIOR
35 DEATHS. The surviving spouse and each surviving child of a

1 peace officer as defined in section 801.4, or a fire fighter
 2 who died on or after January 1, 1985, but before July 1, 2000,
 3 to which the requirements for providing a line of duty death
 4 pursuant to section 97A.6, subsection 16, section 97B.52,
 5 subsection 2, or section 411.6, subsection 15, would otherwise
 6 have been established, and the surviving spouse and each
 7 surviving child of an eligible peace officer or fire fighter
 8 as defined in section 509A.13C, as enacted in this Act, may
 9 be entitled to coverage as provided in section 509A.13C upon
 10 written notification of the applicable governing body, county
 11 board of supervisors, or city council. Coverage provided under
 12 section 509A.13C pursuant to this section shall be for claims
 13 for services incurred on or after the date of reenrollment.

14 Sec. 78. EFFECTIVE DATE. This division of this Act, being
 15 deemed of immediate importance, takes effect upon enactment.

16 Sec. 79. RETROACTIVE APPLICABILITY. This division of this
 17 Act applies retroactively to a death occurring on or after
 18 January 1, 1985.

19 DIVISION XVIII

20 SCHOLARSHIPS FOR SURVIVING CHILDREN OF CERTAIN PERSONS KILLED 21 IN THE LINE OF DUTY

22 Sec. 80. Section 261.87, subsection 1, Code 2018, is amended
 23 by adding the following new paragraph:

24 NEW PARAGRAPH. *od.* "*Eligible surviving-child student*" means
 25 a qualified student who is under the age of twenty-six, or
 26 under the age of thirty if the student is a veteran who is
 27 eligible for benefits, or has exhausted the benefits, under the
 28 federal Post-9/11 Veterans Educational Assistance Act of 2008;
 29 who is not a convicted felon as defined in section 910.15; and
 30 who meets any of the following criteria:

31 (1) Is the child of a peace officer, as defined in section
 32 97A.1, who was killed in the line of duty as determined by
 33 the board of trustees of the Iowa department of public safety
 34 peace officers' retirement, accident, and disability system in
 35 accordance with section 97A.6, subsection 16.

1 (2) Is the child of a police officer or a fire fighter, as
2 each is defined in section 411.1, who was killed in the line of
3 duty as determined by the statewide fire and police retirement
4 system in accordance with section 411.6, subsection 15.

5 (3) Is the child of a sheriff or deputy sheriff as each is
6 defined in section 97B.49C, who was killed in the line of duty
7 as determined by the Iowa public employees' retirement system
8 in accordance with section 97B.52, subsection 2.

9 (4) Is the child of a fire fighter or police officer
10 included under section 97B.49B, who was killed in the line of
11 duty as determined by the Iowa public employees' retirement
12 system in accordance with section 97B.52, subsection 2.

13 Sec. 81. Section 261.87, subsection 3, Code 2018, is amended
14 to read as follows:

15 3. *Priority for scholarship awards.* Priority for
16 scholarships under this section shall be given to eligible
17 foster care students, then to eligible surviving-child
18 students, who meet the eligibility criteria under subsection
19 2. Following distribution to students who meet the eligibility
20 criteria under subsection 2, the commission may establish
21 priority for awarding scholarships using any moneys that remain
22 in the all Iowa opportunity scholarship fund.

23 DIVISION XIX

24 CREDIT UNIONS

25 Sec. 82. Section 533.212, Code 2018, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 4. A credit union organized in accordance
28 with this chapter shall not include the name of any public
29 university located in the state in its name. For purposes of
30 this subsection, "*public university located in the state*" shall
31 mean the state university of Iowa, the Iowa state university of
32 science and technology, and the university of northern Iowa.

33 Sec. 83. Section 533.329, subsection 2, paragraph b, Code
34 2018, is amended to read as follows:

35 *b. ~~The amount collected in each taxing district within~~*

1 ~~a city~~ The moneys and credits tax shall be collected by the
2 department of revenue and shall be apportioned twenty percent
3 to the county, thirty percent to the city general fund, and
4 fifty percent to the general fund of the state, and the amount
5 collected in each taxing district outside of cities shall be
6 apportioned fifty percent to the county and fifty percent to
7 the general fund of the state.

8 Sec. 84. Section 533.329, subsection 2, paragraph c, Code
9 2018, is amended by striking the paragraph.

10 Sec. 85. Section 533.329, Code 2018, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 3. The department of revenue shall
13 administer and enforce the provisions of this section.

14 Sec. 86. EFFECTIVE DATE. The following takes effect April
15 30, 2019:

16 The section of this division of this Act amending section
17 533.212.

18 DIVISION XX

19 MILITARY INSTALLATION — SCHOOL ENROLLMENT

20 Sec. 87. Section 257.6, subsection 1, paragraph a, Code
21 2018, is amended by adding the following new subparagraph:

22 NEW SUBPARAGRAPH. (8) Pupils who are enrolled in public
23 schools within the district under section 282.1, subsection
24 3, in grades kindergarten through twelve and including
25 prekindergarten pupils enrolled in special education programs.

26 Sec. 88. Section 282.1, subsection 2, Code 2018, is amended
27 to read as follows:

28 2. For purposes of this section, "resident" means a child
29 who ~~is~~ meets either of the following requirements:

30 a. Is physically present in a district, whose residence has
31 not been established in another district by operation of law,
32 and who meets any of the following conditions:

33 a- (1) Is in the district for the purpose of making a home
34 and not solely for school purposes.

35 b- (2) Meets the definitional requirements of the term

1 "*homeless individual*" under 42 U.S.C. §11302(a) and (c).

2 ~~e.~~ (3) Lives in a juvenile detention center or residential
3 facility in the district.

4 b. Is domiciled with the child's parent or guardian who is
5 on active duty in the military service of the United States and
6 is stationed at and resides or is domiciled within a federal
7 military installation located contiguous to a county in this
8 state.

9 Sec. 89. Section 282.1, Code 2018, is amended by adding the
10 following new subsections:

11 NEW SUBSECTION. 3. The parent or guardian of a child
12 who meets the requirements of subsection 2, paragraph "b",
13 paragraph may enroll the child in a school district in a county
14 in this state that is located contiguous to the out-of-state
15 federal military installation. Notwithstanding section 285.1
16 relating to transportation of resident pupils, the parent or
17 guardian is responsible for transporting the child without
18 reimbursement to and from a point on a regular school bus route
19 of the district of enrollment.

20 NEW SUBSECTION. 4. Notwithstanding section 282.6, if a
21 parent or guardian enrolls a child in a school district in
22 accordance with subsection 3, the school district shall be free
23 of tuition for such child.

24 DIVISION XXI

25 CRIMINALISTICS LABORATORY FUND

26 Sec. 90. Section 691.9, Code 2018, is amended to read as
27 follows:

28 **691.9 Criminalistics laboratory fund.**

29 A criminalistics laboratory fund is created as a separate
30 fund in the state treasury under the control of the department
31 of public safety. The fund shall consist of appropriations
32 made to the fund and transfers of interest, and earnings. All
33 moneys in the fund are appropriated to the department of public
34 safety for use by the department in criminalistics laboratory
35 equipment and supply purchasing, maintenance, depreciation, and

1 training. Any balance in the fund on June 30 of any fiscal
2 year shall not revert to any other fund of the state but shall
3 remain available for the purposes described in [this section](#).

4 DIVISION XXII

5 IOWA ENERGY CENTER

6 Sec. 91. Section 476.10A, subsection 1, paragraph c,
7 subparagraph (1), Code 2018, is amended to read as follows:

8 (1) ~~Eighty-five~~ Of eighty-five percent of the remittances
9 collected pursuant to [this section](#) ~~is,~~ the following shall
10 occur:

11 (a) For the fiscal year beginning July 1, 2018, such
12 remittances are appropriated to the Iowa energy center created
13 in [section 15.120](#).

14 (b) For the fiscal year beginning July 1, 2019, the first
15 one million two hundred eighty-thousand dollars of such
16 remittances shall be transferred to the general fund of the
17 state, and the remaining amount is appropriated to the Iowa
18 energy center created in section 15.120.

19 (c) For the fiscal year beginning July 1, 2020, the
20 first two million nine hundred ten thousand dollars of such
21 remittances shall be transferred to the general fund of the
22 state, and the remaining amount is appropriated to the Iowa
23 energy center created in section 15.120.

24 (d) For the fiscal year beginning July 1, 2021, the first
25 three million five hundred thirty thousand dollars of such
26 remittances shall be transferred to the general fund of the
27 state, and the remaining amount is appropriated to the Iowa
28 energy center created in section 15.120.

29 DIVISION XXIII

30 TRIBAL IDENTIFICATION CARD

31 Sec. 92. Section 48A.7A, subsection 1, paragraph b,
32 subparagraph (1), Code 2018, is amended by adding the following
33 new subparagraph division:

34 NEW SUBPARAGRAPH DIVISION. (f) A tribal identification
35 card or other tribal enrollment document issued by a federally

1 recognized Indian tribe or nation, if the tribal identification
2 card or other tribal enrollment document is signed before the
3 card or document is presented to the election official.

4 Sec. 93. Section 49.78, subsection 2, paragraph a, Code
5 2018, is amended by adding the following new subparagraph:

6 NEW SUBPARAGRAPH. (5) A current, valid tribal
7 identification card or other tribal enrollment document
8 issued by a federally recognized Indian tribe or nation, which
9 includes a photograph, signature, and valid expiration date.

10 DIVISION XXIV

11 WIND ENERGY CONVERSION PROPERTY

12 Sec. 94. Section 441.21, subsection 5, Code 2018, is amended
13 by adding the following new paragraph:

14 NEW PARAGRAPH. d. For valuations established for the
15 assessment year beginning January 1, 2019, and each assessment
16 year thereafter, the percentages of actual value at which
17 property is assessed, as determined under this subsection,
18 shall not be applied to the value of wind energy conversion
19 property valued under section 427B.26 the construction of which
20 is approved by the Iowa utilities board on or after July 1,
21 2018.

22 DIVISION XXV

23 REVOCATION OF DRIVER'S LICENSE FOR DRUG-RELATED CONVICTIONS

24 Sec. 95. Section 124.412, Code 2018, is amended to read as
25 follows:

26 **124.412 Notice of conviction.**

27 If a person enters a plea of guilty to, or forfeits bail
28 or collateral deposited to secure the person's appearance in
29 court, and such forfeiture is not vacated, or if a person
30 is found guilty upon an indictment or information alleging a
31 violation of [this chapter](#), a copy of the minutes attached to
32 the indictment returned by the grand jury, or to the county
33 attorney's information, a copy of the judgment and sentence,
34 and a copy of the opinion of the judge if one is filed, shall
35 be sent by the clerk of the district court or the judge to

1 ~~the state department of transportation and to~~ any state board
 2 or officer by whom the convicted person has been licensed or
 3 registered to practice the person's profession or carry on
 4 the person's business. On the conviction of a person, the
 5 court may suspend or revoke the license or registration of the
 6 convicted defendant to practice the defendant's profession
 7 or carry on the defendant's business. On the application of
 8 a person whose license or registration has been suspended or
 9 revoked, and upon proper showing and for good cause, the board
 10 or officer may reinstate the license or registration.

11 Sec. 96. Section 321.212, subsection 1, paragraph d, Code
 12 2018, is amended by striking the paragraph.

13 Sec. 97. Section 321.215, subsection 1, paragraph b, Code
 14 2018, is amended to read as follows:

15 b. However, a temporary restricted license shall not be
 16 issued to a person whose license is revoked pursuant to a court
 17 order issued under ~~section 901.5, subsection 10,~~ or under
 18 section 321.209, subsections 1 through 5 or subsection 7; to a
 19 juvenile whose license has been suspended or revoked pursuant
 20 to a dispositional order under section 232.52, subsection
 21 2, paragraph "a", for a violation of chapter 124 or 453B or
 22 section 126.3; to a juvenile whose license has been suspended
 23 under section 321.213B; or to a person whose license has been
 24 suspended pursuant to a court order under section 714.7D. A
 25 temporary restricted license may be issued to a person whose
 26 license is revoked under section 321.209, subsection 6, only
 27 if the person has no previous drag racing convictions. A
 28 person holding a temporary restricted license issued by the
 29 department under this section shall not operate a motor vehicle
 30 for pleasure.

31 Sec. 98. Section 321.215, subsection 2, unnumbered
 32 paragraph 1, Code 2018, is amended to read as follows:

33 Upon conviction and the suspension or revocation of a
 34 person's noncommercial driver's license under section 321.209,
 35 subsection 5 or 6, or section 321.210, 321.210A, or 321.513;

1 ~~or upon revocation pursuant to a court order issued under~~
 2 ~~section 901.5, subsection 10;~~ or upon the denial of issuance
 3 of a noncommercial driver's license under [section 321.560](#),
 4 based solely on offenses enumerated in section 321.555,
 5 subsection 1, paragraph "c", or section 321.555, subsection
 6 2; or upon suspension or revocation of a juvenile's driver's
 7 license pursuant to a dispositional order under section 232.52,
 8 subsection 2, paragraph "a", for a violation of [chapter 124](#)
 9 or [453B](#), or [section 126.3](#); or upon suspension of a driver's
 10 license pursuant to a court order under [section 714.7D](#), the
 11 person may apply to the department for a temporary restricted
 12 license to operate a motor vehicle for the limited purpose or
 13 purposes specified in [subsection 1](#). The application may be
 14 granted only if all of the following criteria are satisfied:

15 Sec. 99. Section 321.215, subsection 2, paragraph c, Code
 16 2018, is amended to read as follows:

17 c. Proof of financial responsibility is established as
 18 defined in [chapter 321A](#). However, such proof is not required
 19 if the driver's license was suspended under [section 321.210A](#)
 20 or [321.513](#) ~~or revoked pursuant to a court order issued under~~
 21 ~~section 901.5, subsection 10~~.

22 Sec. 100. Section 321.218, subsection 1, Code 2018, is
 23 amended to read as follows:

24 1. A person whose driver's license or operating privilege
 25 has been denied, canceled, suspended, or revoked as provided
 26 in [this chapter](#) or as provided in [section 252J.8](#) ~~or section~~
 27 ~~901.5, subsection 10~~, and who operates a motor vehicle upon
 28 the highways of this state while the license or privilege
 29 is denied, canceled, suspended, or revoked, commits a
 30 simple misdemeanor. In addition to any other penalties, the
 31 punishment imposed for a violation of [this subsection](#) shall
 32 include assessment of a fine of not less than two hundred fifty
 33 dollars nor more than one thousand five hundred dollars.

34 Sec. 101. Section 321A.17, subsection 4, Code 2018, is
 35 amended to read as follows:

1 4. An individual applying for a driver's license following a
 2 period of suspension or revocation pursuant to a dispositional
 3 order issued under [section 232.52, subsection 2](#), paragraph
 4 "a", or under [section 321.180B](#), section 321.210, subsection
 5 1, paragraph "a", subparagraph (4), or [section 321.210A](#),
 6 321.213A, [321.213B](#), [321.216B](#), or [321.513](#), following a period
 7 of suspension or revocation under [section 321.178](#) or [321.194](#),
 8 or following a period of revocation pursuant to a court order
 9 issued under ~~[section 901.5, subsection 10](#)~~, or under section
 10 321J.2A, is not required to maintain proof of financial
 11 responsibility under [this section](#).

12 Sec. 102. Section 901.5, subsection 10, Code 2018, is
 13 amended by striking the subsection.

14 Sec. 103. REINSTATEMENT OF DRIVER'S LICENSE. A defendant's
 15 driver's license suspended or revoked pursuant to section
 16 901.5, subsection 10, prior to the effective date of this
 17 division of this Act, shall be reinstated, if the defendant is
 18 otherwise eligible for a driver's license.

19 Sec. 104. CONTINGENT EFFECTIVE DATE. This division of this
 20 Act takes effect on the date the governor submits to the United
 21 States secretary of transportation a written certification
 22 that the governor is opposed to the enforcement in this state
 23 of a law described in 23 U.S.C. §159(a)(3)(A) and a written
 24 certification that the general assembly has adopted a joint
 25 resolution expressing its opposition to the same, in accordance
 26 with 23 U.S.C. §159(a)(3)(B). The office of the governor shall
 27 notify the Code editor upon submission of the certifications
 28 described in this section.